



Attorneys at Law

45 BROADWAY, SUITE 430, NEW YORK, NEW YORK 10006
TEL: (212) 248-7431 FAX: (212) 901-2107

January 28, 2021

Via ECF

District Judge Loretta Preska
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *Yesenia Nieves v. 1070 Southern Drug LLC, et al;*
Case No.: 1:20-cv-03203(LAP)

Dear Judge Preska:

Our office represents Plaintiff, Yesenia Nieves, in the above-referenced action. I write to respectfully request an adjournment of the status conference currently scheduled for February 1, 2021 at 10:30am, to provide a status of the case to Your Honor, and to request an extension of the fact discovery deadline.

I make this request for an adjournment of the status conference because I have a Paid Family Leave hearing (Case No. MA000009) that is scheduled for February 1 at 9am and the proceeding will last at least two hours. I previously had the support of an attorney in my office who was going to handle the hearing while I made this appearance; however, my colleague has recently left my firm. This is my first request for an adjournment of a conference, and I make this request with defense counsel's consent.

As to the status of the case, the Parties have engaged in substantial paper discovery; however, there are certain deficiencies in production which the Parties are working through, and which have delayed scheduling depositions. Defense counsel and I are currently engaged in settlement talks, and we are also planning depositions for the end of February, if the Court will grant an extension of the fact discovery deadline and our settlement talks fail. The Parties make this request for an extension of the fact discovery deadline jointly. We respectfully request that the fact discovery deadline be extended approximately 60 days—that is, from February 5, 2021, until April 5, 2021. This is the Parties' first request for the extension of the fact discovery deadline. The requested extension will affect the expert discovery deadline, which we request be extended a proportionate amount of time, from February 26, 2021 until April 26, 2021.

Thank you for your consideration of these requests.

Respectfully submitted,

PHILLIPS & ASSOCIATES
ATTORNEYS AT LAW, PLLC

/s/

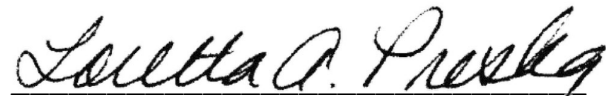
Steven Fingerhut
45 Broadway, Suite 430
New York, New York 10006
(212) 248-7431
sfingerhut@tpglaws.com

CC: Robert Blanchfield, Esq., (*Via ECF*)
Michael James Riccobono (*Via ECF*)
Valerie Lisa Weiss (*Via ECF*)
Attorneys for Defendants

The extension of the discovery deadlines requested above is approved. The conference originally scheduled for 10:30 a.m. on February 1, 2021 will be pushed to 2:00 p.m. to accommodate counsel's schedule.

SO ORDERED.

Dated: January 29, 2021
New York, New York



LORETTA A. PRESKA, U.S.D.J.